

### **REMARKS**

Claims 2-7, 9-13, and 21-23 are currently pending in the application. By this amendment, claims 2-7 and 9-13 are amended and claims 21-23 are added for the Examiner's consideration. Claims 8, 14, 15, 17, 19, and 20 are canceled without prejudice or disclaimer. The above amendments and new claims do not add new matter to the application and are fully supported by the original disclosure. For example, support for the amendments is provided at Figures 1-3, in the claims as originally filed, and at paragraphs [0016] – [0027] of the published application (i.e., US 2006/0040504). Reconsideration of the rejected claims in view of the above amendments and the following remarks is respectfully requested.

#### ***Telephone Interview***

Applicants thank the Examiner for the courtesy extended during an interview between Examiner Kebede and Applicants' representative on May 31, 2007. In the interview, the Examiner indicated that the instant amendment to the claims overcomes all of the issues from the Office Action dated May 3, 2007, and distinguishes the claimed invention from the art of record.

#### ***Amendments to the Claims***

Applicants have amended claims 2-7 and 9-13 and cancelled claims 8, 14, 15, 17, 19, and 20 from further consideration in this application. Applicants are not conceding in this application that those claims are not patentable over the art cited by the Examiner, as the present claim amendments and cancellations are only for facilitating expeditious prosecution of the allowable subject matter noted by the examiner. Applicants respectfully reserve the right to pursue these and other claims in one or more continuations and/or divisional patent applications.

***Objection to Claims***

Claim 3 is objected to for containing an improper form of Markush grouping. While Applicants do not agree with the objection, claim 3 has been amended such that the language objected to by the Examiner is eliminated. Therefore, the objection to the claim is moot, and Applicants respectfully request that the objection to the claims be withdrawn.

***35 U.S.C. §102 Rejection***

Claims 2-8 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No. 2004/0241579 issued to Hamada. This rejection is respectfully traversed.

While Applicants do not agree that the applied art anticipates the claimed invention, by this amendment, claims 2-7 are amended and claim 8 is canceled. As discussed above with respect to the telephone interview of May 31, 2007, the Examiner indicated that the instant amendment distinguishes the claimed invention from the art of record. More specifically, Applicants submit that Hamada fails to disclose: applying the trimming gas comprising O<sub>2</sub> and one of CO<sub>2</sub>, SO<sub>2</sub>, and NO<sub>2</sub> to selectively remove the resist foot, such that the sidewall is substantially perpendicular to an upper surface of the opaque layer after the applying, as recited in claim 2. Instead, Hamada clearly discloses that the scum from the resist is removed using a chlorofluorocarbon gas (paragraph [0193]). The chlorofluorocarbon gas disclosed by Hamada does not constitute a trimming gas comprising O<sub>2</sub> and one of CO<sub>2</sub>, SO<sub>2</sub>, and NO<sub>2</sub>. Therefore, As agreed upon in the telephone interview, Hamada fails to disclose all of the features of independent claim 2. As such, the §102 rejection of claim 2, and of claims 3-7 that depend from claim 2, is moot.

Accordingly, Applicants respectfully request that the rejection over claims 2-8 be withdrawn.

***35 U.S.C. §103 Rejection***

Claims 9-12 are rejected under 35 U.S.C. §103(a) for being unpatentable over Hamada.<sup>1</sup> This rejection is respectfully traversed.

Applicants respectfully submit that claims 9-13 depend from allowable independent claim 2, and are allowable based upon the allowability of claim 2. Moreover, Applicants submit that claims 9-13 recites additional features that are not disclosed or suggested by the applied art.

Accordingly, Applicants respectfully request that the rejection over claims 9-13 be withdrawn.

***Other Matters***

Applicants respectfully submit that new claims 21-23 depend from allowable claim 2, and are allowable based upon the allowability of claim 2. Moreover, claims 21-23 recite additional features that further distinguish the invention from the applied art.

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<sup>1</sup> Applicants note that Paragraph 8 of the Office Action states that claims 9-12 are rejected under §103(a) in view of Hamada. However, Page 7 of the Office Action explains the rejection with respect to claims 9-13. Accordingly, it is assumed that claims 9-13 are rejected under §103(a) in view of Hamada.

## CONCLUSION

In view of the foregoing amendments and remarks, Applicants submit that all of the claims are patentably distinct from the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue. The Examiner is invited to contact the undersigned at the telephone number listed below, if needed. Applicants hereby make a written conditional petition for extension of time, if required. Please charge any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 09-0456.

Respectfully submitted,  
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A handwritten signature in black ink, appearing to read 'Andrew M. Calderon', written over a horizontal line.

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